IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No. 771 of 1989

Date of Decision: 15-12-2005

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KANTIBHAI KEDARBHAI TADVI & 2-Appellant(s)
Versus
CHAMPABEN GOPALBHAI THOBHANI & 4-Respondent(s)

(for full cause title, see next sheet)

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Coram:

The Hon'ble Mr.Justice Bhawani Singh, Chief Justice

The Hon'ble Mr.Justice H.K.Rathod, Judge

Whether approved for reporting? No

For the Appellant(s):
MR BN KESHWANI,Adv.

For the Respondent(s):
MR HARESH J TRIVEDI for No:3 - 4., Adv.
MR SANDIP C SHAH for No:5, Adv.

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PER: BHAWANI SINGH, CHIEF JUSTICE (ORAL):-

1. Short question for determination in this Appeal by owner and driver against the Award

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Whether reporters of Local Papers may be allowed to see the Judgment? Yes

of Motor Accident Claims Tribunal (Main), Vadodara, MACP No.427 of 1986, decided on 15.12.1988, in which Gopalbhai Thobani (48) died when truck No.GTB-6908 driven rashly and negligently by its driver hit the deceased moving on scooter GJN-423, on 31.12.1985 at 5:10 p.m. on National Highway-8, near Bachu Garage, resulting in his death, is whether the assessment of compensation is just?

2. Shri B.N.Keshwani, learned counsel for the appellants, referred to evidence in the case to advance the contention that assessment of compensation is excessive. We do not think so, reference may be made to paragraphs 35 to 39 of the Award in which evidence given by Shri Jaydeep Bhatt (Ex.35), Assistant Industrial Relations Officer, GSFC Limited, is discussed.

Deceased was earning Rs.3,103/-, besides, entitled to yearly bonus of R.4,350=50, medical reimbursement upto Rs.1,000/-. He had already been selected by employer for higher-scale of Rs.4,630/- per month. He also earned other benefits as well. With this background, compensation has been assessed after applying multiplier of 10 though he was 48 year old. This way, Award of compensation of Rs.4,90,250/-, after making deduction of Rs.15,000/- paid under Section 92, Motor Vehicles Act, 1939, does not appear to be unjust.

3. No other point is advanced.

4. Consequently, there is no merit in this Appeal and the same is dismissed. Amount of compensation be paid to the claimants

immediately if it has not been paid by this time. Cost on parties.

(Bhawani Singh)
Chief Justice

(H.K.Rathod)
Judge

(sunil)